

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: FERNANDO VALENCIA

Docket Number: 1:02CR05390-04 AWI

Offender Address: 705 9th Street, Orange Cove, CA 93646

Judicial Officer: Honorable Anthony W. Ishii
United States District Judge
Fresno, California

Original Sentence Date: 06/28/2004

Original Offense: Conspiracy to Manufacture 1,000 or More Marijuana
Plants, 21 USC 846 & 841(a)(1)
(CLASS A FELONY)

Original Sentence: 30 months BOP; 60 months TSR; \$100 SA; Mandatory
Drug Testing

Special Conditions: 1) Search; 2) Drug Treatment; 3) Drug Testing; 4)
Surrender to INS; 5) Register as Drug Offender

Type of Supervision: Supervised Release

Supervision Commenced: 12/10/2004

Assistant U.S. Attorney: Laurel J. Montoya **Telephone:** (559) 498-7272

Defense Attorney: Gary L. Huss **Telephone:** (559) 224-2131

Other Court Action: None

RE: FERNANDO VALENCIA
Docket Number: 1:02CR05390-04 AWI
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. The defendant shall reside and participate in a residential community corrections center, Turning Point Comprehensive Sanctions Center, Fresno, California, for a period of up to 120 days; said placement shall commence as directed by the probation officer pursuant to 18 USC 3563(b) (11). Subsistence fees are waived for the purpose of allowing the defendant to accumulate savings for release plan.

Justification: On January 20, March 24, and April 20, 2005, the releasee submitted urine specimens which returned positive to Cocaine. On March 19, and April 2, 9, 2005, he failed to submit to random drug testing. Although the releasee initially denied drug use, his failure to submit to drug testing and additional positive tests compelled him to admit that he had relapsed. He acknowledged the need to address this substance abuse problem and disassociation of negative influence, and agreed to reside and participate at Turning Point Comprehensive Sanctions Center in Fresno, California, for a period of up to 120 days. Attached is a signed Probation Form 49A waiver, in which the releasee agrees to this modification.

Respectfully submitted,

/s/ Hubert J. Alvarez

HUBERT J. ALVAREZ
Senior United States Probation Officer
Telephone: (559) 498-7504

RE: FERNANDO VALENCIA
Docket Number: 1:02CR05390-04 AWI
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

DATED: May 17, 2005
Fresno, California
HJA; mb

REVIEWED BY: /s/ Hubert J. Alvarez for:
BRUCE A. VASQUEZ
Supervising United States Probation Officer

THE COURT ORDERS:

- (✕) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

IT IS SO ORDERED.

Dated: May 18, 2005
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE